

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:20-cv-00957-SDJ

DEFENDANT GOOGLE LLC'S UNOPPOSED MOTION FOR LEAVE TO FILE
UNDER SEAL

Defendant Google LLC ("Google") respectfully moves to seal its Opposition to Plaintiffs' Motion for *In Camera* Review with all attached exhibits.

LEGAL STANDARD

While "[t]here is a strong presumption in favor of a common law right of public access to court proceedings," *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010), the "right to inspect and copy judicial records is not absolute," *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). For example, courts have recognized that the public's right to access is appropriately limited to protect individual privacy, *Pugh v. Walmart Stores, Inc. Texas Inj. Care Benefit Plan*, No. 1:16-CV-490, 2017 WL 11664888, at *1 (E.D. Tex. May 30, 2017), and "sources of business information that might harm a litigant's competitive standing," *Nixon*, 435 U.S. at 598.

In exercising its discretion to seal judicial records, "the Court must balance the public's common law right of access against the interests favoring nondisclosure." *S.E.C. v. Van*

Waeyenberghe, 990 F.2d 845, 848 (5th Cir. 1993); *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 419 (5th Cir. 2021) (directing courts to balance right of access against interest of nondisclosure).

ARGUMENT

Google moves to file under seal its Opposition to Plaintiffs' Motion for *In Camera* Review with all attached exhibits.

These filings include excerpts of Google's and Plaintiffs' privilege logs which have been designated Confidential or Highly Confidential under the governing Confidentiality Order (ECF No. 182). Similar materials have been sealed from other filings. *See* ECF No. 337. The Opposition quotes from and summarizes the contents of these documents.

CONCLUSION

For the foregoing reasons, Google's motion to seal should be granted.

Dated: February 11, 2025

Respectfully submitted,

/s/ Eric Mahr

Eric Mahr (*pro hac vice*)

FRESHFIELDS US LLP

700 13th Street, NW

10th Floor

Washington, DC 20005

Telephone: (202) 777-4545

Email: eric.mahr@freshfields.com

Kathy D. Patrick

State Bar No. 15581400

KPatrick@gibbsbruns.com

Gibbs & Bruns LLP

1100 Louisiana, Suite 5300

Houston, Texas 77002

Tel.: (713) 650-8805

Fax: (713) 750-0903

Attorneys for Google LLC

CERTIFICATE OF SERVICE

I certify that on February 11, 2025, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ Eric Mahr

CERTIFICATE OF CONFERENCE

I certify that counsel for Defendant conferred with counsel for Plaintiffs via email and that counsel for Plaintiffs confirmed Plaintiffs do not oppose the relief requested in this Motion.

/s/ Eric Mahr